

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action dated June 8, 2006. At that time, claims 1-4, 6-18, 21-34 and 36-37 were pending in the application. In the Office Action, the Examiner indicated that claims 4, 18, and 34 contain allowable subject matter. At the same time, the Examiner rejected claims 36 and 37 under the written description requirement of 35 U.S.C. § 112, first paragraph. The Examiner also rejected claims 1-3, 6, 8-17, 21, 23-33, 36 and 37 under 35 U.S.C. § 102)(b) based upon U.S. Patent No. 5,362,101 issued Sugiura et al. (hereinafter "Sugiura"). Claims 7 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugiura in view of U.S. Patent No. 6,851,707 issued to Bakhsh et al. (hereinafter "Bakhsh").

As a result of this paper, claims 1, 15, 31, and 36 have been amended. Favorable consideration is respectfully requested.

#### **I. Claims 36 and 37 are Rejected Under 35 U.S.C. 112**

The Examiner rejected claims 36-37 under the written description requirement of 35 U.S.C. § 112. Specifically, the Examiner asserted that the phrase "and is then secured in place" found in claim 36 was not supported by the specification. As a result of this paper, claim 36 has been amended to address this issue. Withdrawal of this rejection is respectfully requested.

#### **II. Rejection of Claims 1-3, 6, 8-17, 21, 23-33, 36, and 37 Under 35 U.S.C. 102(b)**

The Examiner rejected claims 1-3, 6, 8-17, 21, 23-33, 36, and 37 under § 102(b) as being anticipated by Sugiura. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Sugiura because this reference does not disclose all of the elements in these claims. With respect to independent claims 1, 15 and 31, these claims have been amended to recite that “the inflatable curtain is designed to be positioned along a vehicle roof rail.” Support for this claim element is found throughout Applicants’ specification including Figure 1 and at pages 9 through 10. Such a claim element is not disclosed by Sugiura. Sugiura teaches an “airbag body 26” that is a passenger airbag designed to be mounted in front of the vehicle passenger. The present claims require an inflatable curtain that is designed for positioning along the vehicle’s roof rail. As the claim element regarding the positioning of the inflatable curtain is absent from Sugiura. Accordingly, Sugiura cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

Claims 2-3, 6, and 8-14 depend either directly or indirectly from independent claim 1. Claims 16-17, 21, and 23-30 depend either directly or indirectly from independent claim 15. Claims 32-33, 36, and 37 depend either directly or indirectly from independent claim 31. Accordingly, Applicants respectfully request that the rejection of these dependent claims be withdrawn for at least the same reasons as those presented above in connection with independent claims 1, 15, and 31.

### **III. Rejection of Claims 7 and 22 Under 35 U.S.C. 103(a)**

The Examiner rejected claims 7 and 22 under 35 U.S.C. § 103(a) based on Sugiura in view of Bakhsh. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of

the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

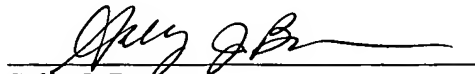
Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. Specifically, claim 7 depends from independent claim 1 and claim 22 depends from independent claim 15. As explained above, both claim 1 and claim 15 recite "the inflatable curtain is designed to be positioned along a vehicle roof rail." Accordingly, claims 7 and 22 require that "the inflatable curtain is designed to be positioned along a vehicle roof rail."

This claim element is not taught or suggested by Sugiura (as explained above). Bakhsh also fails to teach or disclose this claim element. Accordingly, as this combination of references fails to teach all of the claim elements of claims 7 and 22, these claims cannot be rejected under § 103(a). Withdrawal of this rejection is respectfully requested.

#### IV. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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